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A portrait of Joseph Suich, a man with short brown hair and blue eyes, wearing a blue and white plaid blazer over a dark sweater and a light blue collared shirt. He is looking slightly to the right of the camera with a neutral expression. The background is a blurred outdoor setting with trees.

Meet Joseph Suich

Chief Compliance Officer
GE Power
Schenectady, NY

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by Joe Koenig

The right questions, the right way, the right time

- » The deceptive will take advantage of poorly worded questions.
- » Questions and settings need to minimize contamination.
- » Questions need to be simple, precise, and direct, and use mutually understood words.
- » Telling lies is stressful; truth is peace.
- » Know truth. Know deception.

As we put together our communication strategies, we need to think about asking the right question, the right way, at the right time. For ethical fact-finding and decision-making, questions need to be structured correctly. Questions need to be simple, precise, and direct, and use only mutually understood words. And, we have to ask them at the right time. If any of that is missing, we may close the door on getting the truth.



Koenig

As with scientific and forensic procedures, our communication process is subject to contamination.

Contamination is anything that affects a response. There are times when we may wish to employ intentional contamination, where we try to influence a statement one way or the other. In this article, I focus on unintentional contamination. To get truthful information and to detect deception, the questions we ask need to minimize contamination.

Contamination

Unintentional contamination can occur as we walk into the interview room, as we begin the

questioning process, in the type of interview room itself, as noises inside and outside the room, etc. Everything contaminates. Even no contamination can contaminate. One-on-one interviews are by far the best, since a second interviewer will contaminate. The way we present ourselves, our choice of interview rooms, our question strategy, our question structure, how we ask our questions, when we ask our questions, and our question presentation are all considerations. We need to consider how each of these variables may affect the subject's responses and include those considerations in our communication strategy.

Questions with introductions will contaminate the response, such as *"Would you say ...?"* *"Can you say ...?"* *"To the best of your knowledge ...?"* *"What can you tell me?"* These questions are defective—and easily allow the deceptive to wiggle out of telling the truth. I can "say" anything. The wording *"to the best of my knowledge"* allows me to tell only what I know, and what, after all, is "knowledge?" Is the knowledge deduced, observed, inferred, or imputed? The deceptive will take advantage of poorly worded questions and provide

misleading answers. Contaminating questions make the responses unreliable. Avoid contaminating questions at all costs.

Define the terms first

The compliance officer who asks, “Did you follow *procedures*?” or the attorney who asks: “Do you have *chattel*?” “What are your *current liabilities*?” “What is the *value* of your *assets*?” is just asking for a misleading answer. The auditor who asks: “What are the *risks* in your operation?” “What are your *key* processes, procedures, and controls?” “What do you *view* to be the main *risks* in your area?” The words *procedures*, *chattel*, *current*, *liabilities*, *value*, *risks*, *key*, *view* all need to be defined and mutually understood before using them in questions. The deceptive will seize the opportunity to respond with partial truths to poorly defined questions. If cornered on an answer, they can always use the excuse, “I took the question to mean ...” Even truthful people may unintentionally provide misleading answers. Words matter. The old adage, “Garbage in, garbage out,” applies. So, what is a well-constructed question?

In my book, *Getting the Truth* (available at <https://goo.gl/qgDmxl>), I define lies as partial truths—there is a modicum of truth in every lie. As we grow up, we hone our ability to lie (i.e., tell partial truths) by including some truth in our statement. We convince ourselves (i.e., rationalize) that a statement with some truth is not a complete lie. Only statements with no truth at all are lies. People consider partial truths to be truthful statements. Remember, people want to tell the truth.

Detecting deception

Nature compels peace. Telling lies is stressful. A body under stress seeks peace. Our focus then, needs to be on structuring questions to allow truthful people to tell the complete truth—and make it very difficult

for deceptive people to tell partial truths. If they don’t answer the question, they did. If they don’t deny it, they probably did it.

We also need to calibrate the subject’s communication pattern during the introductory phase of the interview, when asking non-threatening questions: “How long have you been with the company?” “How about Saturday’s game?” “Where do you live?” These all help you calibrate to the subject’s communication patterns. Take note of how the subject communicates. Sense their eye, eyebrow, lip, and body movements; their breathing, word, and blinking rates; the hand movements they use to explain; their vocabulary and eye contact. All of these observations constitute the subject’s unique communication pattern. This calibrated pattern provides you with their communication standard and allows you to compare their communication pattern while responding to critical/threatening questions. If the pattern changes, you need to find out why. The cause(s) could be deception, a noise in the room, a poorly worded question, one of the words in the question distracted the subject, etc.

It’s very difficult to detect skillfully worded deceptive statements. Lance Armstrong’s statement, “I’ve said it for seven years—I haven’t doped.” provides us with an example. Deceptive people are wordsmiths, and we, as interviewers, need to use that trait to our advantage. We do that by forcing subjects to give us precise responses using mutually understood words that can’t be misinterpreted. Keep in mind that truthful people will not intentionally provide partial truths. Typically, truthful responses are simple, precise, and direct. Truthful people want us to know the complete truth. Deceptive people don’t. Use that to detect deception.

The response, “I didn’t do it,” when it stands alone without explanation, contains the components of a truthful response. But you can rely on it only when there is no doubt about what “it” is and “it” is consistent with the evidence and circumstances. And, the context matters. Was it blurted out? Was it in response to a question? Is it consistent with the subject’s calibrated communication pattern?

The responses: “I couldn’t do it,” “I wouldn’t do it,” “I’m telling you I didn’t do it,” “I can tell you there is no way I did it,” “I am not guilty,” “As God is my witness, ...” —all suggest deception.

A handwritten statement

I regularly employ a powerful handwriting technique that addresses many of these issues using a plentiful amount of plain, unlined paper—unstructured by design and plentiful to encourage thorough responses. It also provides a report, a personally handwritten statement, that can’t be improved upon, since it records the interview in the subject’s own handwriting and the subject’s own words and thoughts. Once I’m in the interview room with the subject, I introduce myself with minimal conversation. I ask the subject non-threatening questions about their full name, address, time with the company, etc. During this time I’m calibrating the subject to determine his/her communication pattern.

After that short introductory session, I then tell the subject I will handwrite my questions and ask them to respond in their handwriting. I typically use different color inks for my handwriting and the subject’s.

The command to write out a response to “Tell me what happened” on an unlimited supply of plain white paper sets up a very complex process.

I will start with the command, “Tell me what happened.” I will also leave the room, telling them I will wait outside and to notify me when they complete the response. This further minimizes contamination. I’m not sitting there fidgeting, looking at my phone, or distracting them in any way. It also leaves them alone with their thoughts. This is a powerful technique. People tend to write

things and thoughts they won’t verbalize, especially when they are alone.

The command to write out a response to “Tell me what happened” on an unlimited supply of plain white paper sets up a very complex process. The subject has to compose the

response knowing where she starts will determine where she finishes.

We then have several pages of a handwritten explanation of what happened, produced with minimal contamination. I look at that statement to see if there are signs of stress in the composition, noting areas of sensitivity: cross outs, rewrites, flow disruptions, different handwriting styles, etc.

To illustrate, look at the following picture (on page 34) of a statement I obtained using the above principles. The subject’s ex-wife accused him of taking personal checks made payable to her, forging her name, cashing the checks, and keeping the money. I minimized contamination. There is little that I said or did to influence his statement. Remember: It is harder to lie than to tell the truth. Deception requires a much higher thought process than truth-telling. Deception is therefore, more stressful. Here is a portion of his five-page statement responding to “Tell me what happened”:

Note the handwriting changes dramatically when the subject writes, "She said to sign her name ..." Something caused that difference in writing. Was the cause deception, the pen, or a noise in the room? The fact it occurs when he provides his main defense suggests stress. Stress, in this case, probably reflects deception.

My first question to him once I returned to the room was, "You wrote 'She said to sign her name ...' Please tell me about that." Ask the right question, at the right time, in the right way. I asked that question in that way with those principles in mind. I wanted him to know his deception was identified immediately and to maintain the stress level following the difficult task of completing the statement. He later confessed to me that his ex-wife did not give him permission to sign her name. Just like in nature, water seeks its own level. There is peace in truth. Although he lost his financial institution job, he was now on his path to rebuild his life.

My next step in this statement-taking process is to ask the subject to define their words by asking, "What did you mean when you wrote, 'I then made the entry?'" Force them to define their language and their meaning; then use their words, now defined and mutually understood, when constructing questions.

Constructing the questions

Well-constructed questions (i.e., commands) contain mutually understood words constructed simply and precisely. Again, the goal is to minimize contamination.

"Were you ever at 765 Moross?"

Better: Show picture of 765 Moross and ask, "Were you ever inside that building?" ("at" is not precise; "inside" is better; also, subject may not know address).

"What is your net worth?"

Better: "What does the phrase "net worth" mean to you?" then, "What is your net worth?" (define the word, then use the word after it is mutually understood).

"When was the last time you saw Nicole?"

Better: When did you last see Nicole? (six words vs. eight words; also simple and precise).

"Did you kill your wife?"

Better: "What happened to your wife?"
"She was killed."
"What do you mean?"
"Someone shot her."
"Did you shoot her?"
("kill" needs to be defined).

"What do you think happened?"

Better: What happened?

"Do you have any chattel not already listed?"

Better: "Do you have any personal property not already listed?"

"Do you know who took the money?"

Better: "Who took the money?"

(akin to, “What can you say ...”, but more precise).

“Can you say you did not take the money?”

Better: “Did you take the money?”

Conclusion

There is much to learn in developing the skills necessary to conduct ethically sound and good fact-finding interviews. We need to minimize contamination, knowing that everything we do (and don't do) will contaminate. We need to help prevent deception by asking properly

constructed questions, at the right time, in the right way, using only mutually-understood words. We need to know how deceptive people use words in our questions to provide deceptive answers. We need to remember people want to tell the truth and deceptive people rationalize that a partial truth is not a lie. We also need to know what kinds of responses to expect from truthful people, so we know when we're being told the truth. Know truth. Know deception. *

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